



## Planning Management Committee – 17 March 2021

### Appeal Decision Monitoring Report

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#### **Purpose of report**

Update on appeal decisions from the Planning Inspectorate and an analysis of the main issues, to monitor consistency between the council's and Planning Inspectorate's decisions.

#### **Attachment(s)**

Appendix 1 - Appeal decisions from 25 January 2021 to 19 February 2021

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#### **1.0 Introduction**

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from Appeal decisions from 25 January 2021 to 19 February 2021 and analyses the decisions made by the Planning Management Committee and officers under delegated authority. Details of costs awarded against the council (if any) are also given.

#### **2.0 Equality and Diversity Implications**

2.1 There are no equality and diversity implications.

#### **3.0 Legal Implications**

3.1 There are no legal implications.

#### **4.0 Risk Management**

4.1 There are no significant risks.

#### **5.0 Financial implications**

5.1 There are no financial implications except for those decisions where costs have been awarded against the council.

#### **6.0 Privacy Impact Assessment**

6.1 There are no privacy implications.

#### **7.0 Constitutional Implications**

7.1 There are no constitutional Implications

#### **8.0 Implications for our Customers**

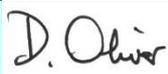
8.1 There are no implications for our customers.

#### **9.0 Corporate Outcomes**

9.1 The report supports priority outcomes set out in the Corporate Plan – Effective Management and Value for Money.

## 10.0 Recommendation

10.1 The Committee is recommended to note the report.

<b>Legal</b>	Power: Planning and Compulsory Purchase Act 2004				
	Other considerations: None				
<b>Background Papers:</b> Office Files					
<b>Person Originating Report:</b> Carolyn Tait, Planning Development Manager ☎ 01832 742321 ✉ ctait@east-northamptonshire.gov.uk					
<b>Date:</b> 03 March 2021					
<b>CFO</b>		<b>MO</b>		<b>CX</b> 03.03.21	

# East Northamptonshire Council

## DM Appeal Results

For Period from: 25 Jan 2021 to: 19 Feb 2021

Officer

Procedure	Appellant	Location	Appeal Type	Date Decided	Decision
Case Ref. No.					
Proposal					

### Dean Wishart

#### Written Representations

19/01238/FUL	Mr And Mrs Michael	OP0061 SP9676 Addington Road Woodford	Against Refusal		
Erection of 2 No. Dog kennel buildings; an Exercise/training barn; a Quarantine unit; a Maintenance garage/workshop together with associated new site access from Addington Road			11/02/2021	<b>Allowed</b>	<b>CM</b>

This application was recommended for approval but was overturned at Committee and refused for reasons relating to loss of amenity to local residents/businesses, unacceptable visual impact, an unsustainable, open countryside location and the loss of agricultural land.

The Inspector considered all these matters but concluded that the proposal was acceptable in these regards, as well as on highway safety, which had been raised as a concern by PMC, but was not included as a reason for refusal. The Inspector was satisfied with the evidence relating to amenity, noting, in particular, that the dogs would be indoors overnight, in a well-insulated building.

On visual impact the Inspector was satisfied that the buildings would be softened by landscaping, would not be a dominant and imposing cluster of buildings, would be respectful to the surrounding countryside and would not cause harm to the conservation area. The 'valued landscape' argument put forward by the PMC was afforded little weight as there is no heightened designation on this area of land.

In terms of location the Inspector concluded that this was suitable and, noting the point that the applicant is a charity rather than a commercial business, concluded that the NPPF does not distinguish between business models and instead, is supportive of all types of business in rural areas, whether existing or otherwise.

Finally, on the loss of agricultural land, the Inspector was not in receipt of any compelling or substantive evidence relating to this matter, so on the basis that the proposal would accord with the general requirements of the policies for rural development, concluded that no harm would arise from the loss of the land for agricultural purposes.

In granting permission, a total of 15 conditions have been imposed, which reflect those from the committee report. The only omitted condition relates to construction hours, which can be dealt with through the Construction Management Plan condition.

### Patrick Reid

#### Written Representations

18/01109/FUL	Mr J Griffiths - Kier	Land To The North East Side Of Midland Road	Against Refusal		
Full application for 10 dwellings, including access, parking, landscaping and associated infrastructure			25/01/2021	<b>Allowed</b>	<b>CM</b>

The application was determined by committee on 26 February 2020. The application was refused, contrary to the Officer recommendation for approval. The application was refused for one reason cited: tandem parking and waste storage and collection.

The appeal was allowed and planning permission granted. The Inspector noted that there was no clear reason to indicate the development would not function well in a parking context. In respect of waste collection, the Inspector found that the site could accommodate waste collection points without compromising the function or design of the development. The Inspector noted this finding was consistent with the comments of the Council's Waste Manager.

The Inspector concluded that the proposal accorded with the relevant policies of the Joint Core Strategy and the Raunds Neighbourhood Plan and granted planning permission.

19/01630/OUT Ellis And Crawley Land Adjacent Brook Farm Cottage Brooks Against Refusal  
Outline: Erection of five dwellings (All matters reserved) 26/01/2021 **Withdrawn CM**

The appeal was withdrawn for a red line issue. The Inspector noted the extent of the red line did not include the verge and this represented a hinderance to a Reserved Matters application not being able to control works on that land. The creation of an access would require permission and be outside of the red line. For this reason, the Inspector advised they could not grant planning permission. The appellatant withdrew the appeal.

19/01633/OUT Ellis And Crawley Land Adjacent Brook Farm Cottage Brooks Against Refusal  
Outline: Erection of two dwellings (All matters reserved) 26/01/2021 **Withdrawn CM**

The appeal was withdrawn for a red line issue. The Inspector noted the extent of the red line did not include the verge and this represented a hinderance to a Reserved Matters application not being able to control works on that land. The creation of an access would require permission and be outside of the red line. For this reason, the Inspector advised they could not grant planning permission. The appellatant withdrew the appeal.

## Susie Russell

### Householder Appeal

20/00567/FUL Mr Tom Larkin 16 Rose Avenue Rushden Northamptonshire Against Refusal  
Demolition of existing garage and carport and construction of new detached garage 08/02/2021 **Dismissed D**

This application was for the demolition of an existing garage, to be replaced with a detached garage measuring 8 metres by 14 metres, and a height of 6.8 metres, in the rear garden of a dwelling on a housing estate. The walls of the proposed garage would be constructed of straw bales and cedar timber cladding with low level stone gabions beneath a green living roof constructed of metal sheeting. The garage would be rectangular in shape, with its doors to Park Avenue and there would be a glazed feature which would protrude at a height of 1.6 metres through the roof at ridge level.

The case officer concluded that the proposed garage would appear as an overly large and dominant feature within a wholly domestic plot and one which would have a footprint larger than any other building in the immediate area, despite it being required for ancillary purposes. Its scale alone would be inappropriate for its location and would be harmful to the character of the street and the design would have appeared oppressive and overbearing to the neighbouring dwellings at 12 and 14 Rose Avenue. It would have resulted in an outbuilding that would have a commercial appearance, unsympathetic to the domestic character and appearance of the street scene.

The Inspector agreed the proposal would result in harm to the character and appearance of the host property and the surrounding area and result in an overbearing impact on the rear garden of No 12 Rose Avenue. The appeal was dismissed.

<b>Decided Appeals Dismissed:</b>	<b>1</b>	<b>20.00%</b>
<b>Decided Appeals Allowed:</b>	<b>2</b>	<b>40.00%</b>
<b>Decided Appeals Withdrawn:</b>	<b>2</b>	<b>40.00%</b>
<b>Decided Appeals Total:</b>	<b>5</b>	<b>100.00%</b>

**M** – Denotes Member decision against officer advice

**C** – Denotes Committee decision

**D** – Denotes delegated decision